

ENLARGED HOMESTEAD ACT

(Continued from first page.)

shall be the same as those now required to be paid under the homestead laws; therefore, while the fees may not in any one case exceed the maximum fee of \$10, required under the general homestead law, the commissioners will be determined by the area of land embraced in the entry.

FORM OF APPLICATION.

3. Applications to enter must be submitted upon affidavit, Form No. 4-003, copy of which is annexed hereto.

ADDITIONAL ENTRIES.

5. Section 3 of the act provides that any homestead entryman of lands of the character described in the first section of this act, upon which entry final proof has not been made, may enter such other lands, subject to the provisions of this act, contiguous to the former entry, which shall not, together with the lands embraced in the original entry, exceed 320 acres, and that resident upon and cultivation of the original entry shall be accepted as equivalent upon and cultivation of the additional entry.

This section contemplates that lands heretofore entered may be classed or designated by the Secretary of the Interior as falling within the provisions of this act and in such cases an entryman of such lands who had not at the date of this act, made final proof, may make such additional entry, provided he is otherwise qualified. Applicants for such additional entries must, of course, tender the proper fees and commissions and must make application and affidavit on Form No. 4-004, attached hereto. Entryman who made final proof on the original entry prior to the date of this act are not entitled to make additional entries under this act.

FINAL PROOFS ON ORIGINAL AND ADDITIONAL ENTRIES—COMMUTATION NOT ALLOWED.

6. Final proofs must be made as in original homestead cases, and in addition to the showing required of ordinary homestead entryman it must be shown that at least one-eighth of the area embraced in each entry has been continuously cultivated to agricultural crops other than native grasses, beginning with the second year of the entry, and at least one-fourth of the area embraced in the entry has been continuously cultivated to agricultural crops other than native grasses, beginning with the third year of the entry and continuing to date of final proof.

Final proof submitted on an additional entry must show that the area of such entry required by the act to be cultivated has been cultivated in accordance with such requirement; or such part of the original entry as well, with the area cultivated in the additional entry, aggregate the required proportion of the combined entries, has been cultivated in the manner required by the act.

Proof must be made on the original entry within the statutory period of seven years from the date of the entry; and it can not be shown at that time that the cultivation has been such as to satisfy the requirements of the act as to both entries it will be necessary to submit supplemental proof on the additional entry at the proper time. But proof should be made at the same time to cover both entries in all cases where the residence and cultivation are such as to meet the requirements of the act.

Commutation of either original or additional entry, made under this act, is expressly forbidden.

RIGHT OF ENTRY.

7. Homestead entries under the provisions of section 2289 of the Revised Statutes, for 160 acres or less, may be made by qualified persons within the States and Territories named upon lands subject to such entry, whether such lands have been designated under the provisions of this act or not. But those who make entry under the provisions of this act can afterwards make homestead entry under the provisions of the general homestead law, nor can an entryman who enters under the general homestead law lands designated as falling within the provisions of this act afterwards enter any lands under this act.

A person who has, since August 30, 1890, entered and acquired title to 320 acres of land under the agricultural land laws (which is construed to mean the timber and stone, desert land, and homestead laws) is not entitled to make entry under this act; neither is a person who has acquired title to 160 acres under the general homestead law entitled to make another homestead entry under this act, unless he comes within the provisions of section 3 of the act providing for additional entries of contiguous lands, or unless entitled to the benefits of section 2 of the act of June 5, 1900 (32 Stat., 203).

If, however, a person is a qualified entryman under the homestead laws of the United States, he may be allowed to enter 320 acres under this act, or such a less amount as when added to the lands previously entered or held by him under the agricultural land laws shall not exceed in the aggregate 480 acres.

CONSTRUCTIVE RESIDENCE PERMITTED ON CERTAIN LANDS IN UTAH.

8. The sixth section of the act under consideration provides that not exceeding 2,000,000 acres of land in the State of Utah, which do not have upon them sufficient water suitable for domestic purposes as will render continuous residence upon such lands possible, may be designated by the Secretary of the Interior as subject to entry under the provisions of this act, with the exception, however, that entryman of such lands will not be required to prove continuous residence thereon. The act provides in such cases that all entryman must reside within such distance of the land entered as will enable them successfully to farm the same as required by the act; and no attempt will be made at this time to determine how far from the land an entryman will be allowed to reside, as it is believed that a proper determination of that question will depend upon the circumstances of each case.

Application to enter under this section of the act will not be received until lists designating or classifying the lands subject to entry thereunder have been filed and noted in the local land offices. Such lists will be from time to time furnished the register and receiver, who will upon their receipt note upon the tract books opposite the tract so listed the words "Designated, section 6, act February 19, 1909." Stamps for making the notations required by these instructions will be hereafter furnished the local offices. Applications under this section must be submitted upon Form 4-003, copy of which is annexed hereto.

9. The final proof under this section must be made as in ordinary homestead entries, except that proof of residence on the land will not be required, in lieu of which the entryman will be required to show that from the date of original entry until the time of making final proof he resided within such distance from said land as enabled him to successfully farm the same. Such proof must also show that not less than one-eighth of the entire area of the land entered was cultivated during the second year; not less than one-fourth during the third year; and not less than one-half during the fourth and fifth years after entry.

FINAL PROOF ON ENTRIES ALLOWED UNDER SECTION 6—RESIDENCE—COMMUTATION NOT ALLOWED.

10. The act provides that any person applying to enter land under the provisions thereof, shall make and subscribe before the proper officer an affidavit, etc. The term "proper officer," as used herein, is held to mean any officer authorized to take affidavits or proof in homestead cases.

OFFICERS BEFORE WHOM APPLICATION AND PROOF MAY BE MADE.

11. The act provides that any person applying to enter land under the provisions thereof, shall make and subscribe before the proper officer an affidavit, etc. The term "proper officer," as used herein, is held to mean any officer authorized to take affidavits or proof in homestead cases.

Very respectfully,
S. V. PROUDFIT,
Acting Commissioner.

Approved, March 25, 1909.
R. A. BALLINGER, Secretary.

(PUBLIC—NO. 245.)
[S. 2155.]
An Act to provide for an Enlarged Homestead.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this act, in the States of Colorado, Montana, Nevada, Oregon, Utah, Washington and Wyoming, and the territories of Arizona and New Mexico, three hundred and twenty acres, or less, of nonmineral, nonirrigable, unreserved and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonable compact body, and not over one and one-half miles in extreme length: Provided, That no lands shall be subject to entry under the provisions of this act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of irrigation at a reasonable cost from any known source of water supply.

Sec. 2. That any person applying to enter land under the provisions of this act shall make and subscribe before the proper officer an affidavit as required by section twenty-two hundred and ninety of the Revised Statutes, and addition thereto shall make affidavit that the land sought to be entered is of the character described in section one of this act, and shall pay the fees now required to be paid under the homestead laws.

Sec. 3. That any homestead entryman of lands of the character herein described, upon which final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his former entry which shall not, together with the original entry, exceed three hundred and twenty acres, and residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

Sec. 4. That at the time of making final proofs as provided in section twenty-two hundred and ninety-one of the Revised Statutes the entryman under this act shall, in addition to the proofs and affidavits required under the said section, prove by two credible witnesses that at least one-eighth of the area embraced in his entry was continuously cultivated to agricultural crops other than native grasses beginning with the second year of the entry, and at least one-fourth of the area embraced in his entry was so continuously cultivated beginning with the third year of the entry.

Sec. 5. That nothing herein contained shall be held to effect the right of a qualified entryman to make homestead entry in the States named in section one of this act under the provisions of section twenty-two hundred and eighty-nine of the Revised Statutes, but no person who has made entry under this act shall be entitled

to make homestead entry under the provisions of said section, and no entry made under this act shall be commuted.

Sec. 6. That whenever the Secretary of the Interior shall find that any tract of land, in the State of Utah, subject to entry under this act, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate two million acres, and thereafter they shall be subject to entry under this act without the necessity of residence: Provided, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this section.

Approved, February 19, 1909.

4-003.
(Form approved by the Secretary of the Interior March 25, 1909.)
Department of the Interior.

HOMESTEAD ENTRY.

[Act February 19, 1909.]
U. S. Land Office, No.
Application and Affidavit.

I,, (give full Christian name) (male or female), a resident of, (town, county and state), do hereby apply to enter, under the act of February 19, 1909, (Public No. 245) the, section, township, range, meridian, containing, acres, within the, land district; I do solemnly swear that I am not the proprietor of more than 160 acres of land in any State or Territory; that I,, (applicant must state whether native born, certified copy of naturalization or declaration of intention, as case may be, must be filed with this application),, citizen of the United States, and am, (state whether the head of family, married or unmarried, or over twenty-one years of age, and if not over twenty-one years of age, must state the facts which constitute him the head of a family; that my post office address is, that this application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation; that I will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that I am not acting as an agent of any person, corporation, or syndicate in making this entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered; or any part thereof, or the timber thereon; that I do not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for myself, and that I have not directly or indirectly made, or contract, in any way or manner, with any person or persons, corporation, or syndicate whatsoever, by which the title which I may acquire from the government of the United States will inure in whole or in part to the benefit of any person except myself. I have not heretofore made any entry under the homestead, timber and stone, desert land, or preemption laws except, (here describe former entry or entries by section, township, range, land district, and number of entry; how perfected, or if not perfected state that fact); that I am well acquainted with the character of the land herein applied for and with each and every legal subdivision thereof, having personally examined same; that there is not to my knowledge within the limits thereof any vein or lode of quartz, silver, cinnabar, lead, tin, or copper, nor any deposit of coal, placer, cement, gravel, salt spring, or deposit of salt, nor other valuable mineral deposit; that no portion of said land is claimed for mineral purposes under the local customs or rules of miners, or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land, and that my application thereof is not made for the purpose of fraudulently obtaining title to mineral land; that the land is not occupied and improved by any Indian; that the land applied for does not contain merchantable timber, and no timber except, (here fully describe amount and kind of timber, if any), and that it is not susceptible of successful irrigation at a reasonable cost from any known source of water supply, except the following areas:, (give the subdivisions and areas of the lands, if any, susceptible of irrigation).

(Sign here, with full Christian name.)
Note.—Every person swearing falsely to the above affidavit will be punished as provided by law for such offense. (See sec. 5392, R. S., over.)

I hereby certify that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known, or has been satisfactorily identified before me by, (give full name and post-office address); that I verily believe affiant to be a qualified applicant and the identical person hereinbefore described; and that said affidavit was duly subscribed and sworn to before me, at my office, in, (town),, (county and State), within the, land district, this, day of, 19

(Official designation of officer.)
United States Land Office at,, 19

I hereby certify that the foregoing application is for surveyed land of the class which the applicant is legally entitled to enter under the act of February 19, 1909, and that there is no prior valid adverse right to the same; and has this day been allowed, (Register)

REVISED STATUTES OF THE UNITED STATES—TITLE LXX—CRIMES—CHAP. 4.

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See sec. 1750.)

Note.—In addition to the above penalty, every person who knowingly or willfully in any wise procures the making or presentation of any false or fraudulent affidavit pertaining to any matter within the jurisdiction of the Secretary of the Interior may be punished by fine or imprisonment.

4-004.
(Form approved by the Secretary of the Interior, March 25, 1909.)
Department of the Interior.
Application and Affidavit
ADDITIONAL HOMESTEAD.
[Act February 19, 1909.]
Application No. Land Office at,
I,, of, do hereby apply to enter under section 3 of the act of February 19, 1909, (Public No. 245), the, section, township, range, meridian, containing, acres, as additional to my homestead entry No. made, at, land office for the, section, township, range, meridian.

I do solemnly swear that I am not the owner of more than one hundred and sixty acres in any State or Territory, exclusive of the land included in my original entry above described, and that this application is made for my exclusive benefit as an addition to my original homestead entry, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; that this application is honestly and in good faith made for the purpose of actual settlement and cultivation; that I will faithfully and honestly endeavor to comply with all the requirements of law; and that I have not heretofore made an entry under the homestead, timber and stone, desert land, or preemption laws except, (here describe former entries, if any); that I am well acquainted with the character of the land herein applied for and with each and every legal subdivision thereof, having passed over the same; that my personal knowledge of the land is such as to enable me to testify understandingly with regard thereto; that there is not to my knowledge within the limits thereof any vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, or copper, or any deposits of coal, cement, gravel, or other valuable mineral; that the land contains no salt springs or deposits of salt in and form sufficient to render it valuable therefor; that no portion of said land is claimed for mineral purposes under the local customs or rules of miners or otherwise; that no portion of the land is worked for minerals during any part of the year by any person or persons, and that my application is not made for the purpose of fraudulently obtaining title to mineral lands; that the land is not occupied and improved by any Indian, and is unoccupied and unappropriated by any person claiming the same under the public land laws other than myself; that the land embraced in the original entry and the land now applied for do not contain merchantable timber, and no timber except, (here fully describe amount and kind of timber, if any), and that it is not susceptible of successful irrigation at a reasonable cost from any known source of water supply, except the following areas:, (Give the subdivisions and areas of the lands, if any, susceptible of irrigation.)

(Sign here with full Christian name.)
Note.—Every person swearing falsely to the above affidavit will be punished as provided by law for such offense. (See sec. 5392, R. S., below.)

I hereby certify that the foregoing

affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known, or has been satisfactorily identified before me by, (give full name and post-office address); that I verily believe affiant to be a qualified applicant and the identical person hereinbefore described; and that said affidavit was duly subscribed and sworn to before me, at my office, in, (town),, (county and State), within the, land district, this, day of, 19

(Official designation of officer.)
We,, of, and, of, do solemnly swear that we are well acquainted with the above-named affiant and the lands described, and personally known that the statements made by him relative to the character of the said lands are true.

I hereby certify that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known, or has been satisfactorily identified before me by, (give full name and post-office address); and that said affidavit was duly subscribed to before me at, this, day of, 19

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(Official designation of officer.)
United States Land Office at,, 19

I hereby certify that the foregoing application is for surveyed land of the class which the applicant is legally entitled to enter under the act of February 19, 1909, and that there is no prior valid adverse right to the same; and has this day been allowed, (Register)

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Note.—In addition to the above penalty, every person who knowingly or willfully in any wise procures the making or presentation of any false or fraudulent affidavit pertaining to any matter within the jurisdiction of the Secretary of the Interior may be punished by fine or imprisonment.

4-004.
(Form approved by the Secretary of the Interior, March 25, 1909.)
Department of the Interior.
Application and Affidavit
ADDITIONAL HOMESTEAD.

[Act February 19, 1909.]
Application No. Land Office at,
I,, of, do hereby apply to enter under section 3 of the act of February 19, 1909, (Public No. 245), the, section, township, range, meridian, containing, acres, as additional to my homestead entry No. made, at, land office for the, section, township, range, meridian.

I do solemnly swear that I am not the owner of more than one hundred and sixty acres in any State or Territory, exclusive of the land included in my original entry above described, and that this application is made for my exclusive benefit as an addition to my original homestead entry, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; that this application is honestly and in good faith made for the purpose of actual settlement and cultivation; that I will faithfully and honestly endeavor to comply with all the requirements of law; and that I have not heretofore made an entry under the homestead, timber and stone, desert land, or preemption laws except, (here describe former entries, if any); that I am well acquainted with the character of the land herein applied for and with each and every legal subdivision thereof, having passed over the same; that my personal knowledge of the land is such as to enable me to testify understandingly with regard thereto; that there is not to my knowledge within the limits thereof any vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, or copper, or any deposits of coal, cement, gravel, or other valuable mineral; that the land contains no salt springs or deposits of salt in and form sufficient to render it valuable therefor; that no portion of said land is claimed for mineral purposes under the local customs or rules of miners or otherwise; that no portion of the land is worked for minerals during any part of the year by any person or persons, and that my application is not made for the purpose of fraudulently obtaining title to mineral lands; that the land is not occupied and improved by any Indian, and is unoccupied and unappropriated by any person claiming the same under the public land laws other than myself; that the land embraced in the original entry and the land now applied for do not contain merchantable timber, and no timber except, (here fully describe amount and kind of timber, if any), and that it is not susceptible of successful irrigation at a reasonable cost from any known source of water supply, except the following areas:, (Give the subdivisions and areas of the lands, if any, susceptible of irrigation.)

(Sign here with full Christian name.)
Note.—Every person swearing falsely to the above affidavit will be punished as provided by law for such offense. (See sec. 5392, R. S., below.)

I hereby certify that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known, or has been satisfactorily identified before me by, (give full name and post-office address); that I verily believe affiant to be a qualified applicant and the identical person hereinbefore described; and that said affidavit was duly subscribed and sworn to before me, at my office, in, (town),, (county and State), within the, land district, this, day of, 19

(Official designation of officer.)
We,, of, and, of, do solemnly swear that we are well acquainted with the above-named affiant and the lands described, and personally known that the statements made by him relative to the character of the said lands are true.

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4-004.
(Form approved by the Secretary of the Interior, March 25, 1909.)
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Application and Affidavit
ADDITIONAL HOMESTEAD.

[Act February 19, 1909.]
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For General Drayage Call up Ed Ellis Transfer Co.

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W. T. FIATT, Manager

Israel Block East Front

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W. F. BUCHANAN, Treas.

Texas and New Mexico Investment Co

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W. A. JACKSON JOHN F. SEAMAN

JACKSON & SEAMAN

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H. M. WALLIS

REAL ESTATE AND RENTAL AGENT

Ranches, City Property and Relinquishments

OFFICE—EAST MAIN ST. Correspondence Solicited

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EARL GEORGE, Cashier. C. G. MARDOFF, Asst. Cashier.

DIRECTORS
I. C. Barnes, J. A. Street,
H. K. Neal, A. R. Carter

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OF TUCUMCARI, NEW MEXICO

U. S. DEPOSITORY